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PUBLIC UTILITIES COMMISSION
STATE OF CALIFORNIA
505 VAN NESS AVENUE
SAN FRANCISCO, CALIFORNIA 94102

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JAN 16 2001

FCC MAIL ROOM

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LORETTA LYNCH
PRESIDENT

January 5, 2001

94-129 /

Ms. Magalie Roman Salas
FCC Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W., TW-A325
Washington, D.C. 20554

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Dear Ms. Salas:

Pursuant to the procedures established in the FCC's First Order on Reconsideration in CC Docket No. 94-129 released May 3, 2000, the California Public Utilities Commission (CPUC) at its meeting on January 4, 2001 elected to take primary responsibility for serving slamming complaints registered by California consumers. The effective date of this election will be when this letter is received by the FCC. The information required to be included in the state notification by 47 C.F.R. § 64.1110(a) and ¶ 29 of the May Order is provided below:

Complaint Process

Method of Filing:

Consumers may contact the Commission regarding their slamming complaints by letter, toll-free fax, and on-line electronic complaint form or telephone call to the Commission

Location of Filing:

Mailing address:

Slamming Complaints
Consumer Affairs Branch
505 Van Ness Avenue
San Francisco, CA 94102

Consumer complaints phone number:

1-800-755-1447 or 213 897-3334

Facsimile number:

1-800-703-1158 or 415-703-1910

On-Line address:

consumer-affairs@cpuc.ca.gov

Filing fees: No filing fees required.

Documentation Consumer Must Provide: No particular written documentation is absolutely required but consumers are encouraged to send in any documentation that would be helpful in resolving their complaint. However, Commission staff may request a copy of the page of the consumer's telephone bill that contains the alleged slam, authorization from the consumer for the Commission to investigate the complaint, and some form of identification of the consumer (usually a copy of a driver's license).

Procedure (Safeguards, Deadlines, Appeal Rights): The Commission will be applying the FCC rules until its own rules are adopted. Section 258(b) states specifically that the federal procedures created to implement subsection (b)'s remedies for slamming, as prescribed in the FCC's Rules, are "in addition to any other remedies available by law."

Forms of Complaints

Informal Complaint: The complaint will typically be filed by means of a telephone call or e-mail to the Commission staff. It should contain: (1) the complainant's name, address, telephone number and e-mail address (if the complainant has one); (2) the name of the allegedly unauthorized carrier, the authorized carrier, and the executing carrier; (3) the date of the allegedly unauthorized change (if known); and (4) an indication of whether the complainant has paid any disputed charges to the allegedly unauthorized carrier.

Unsatisfied Informal Complaints Involving Unauthorized Changes of a Subscriber's Preferred Carrier; Formal Complaints Relating Back to the Filing Dates of Informal Complaints: If the complainant is unsatisfied with the resolution of an informal complaint, the complainant may appeal the findings to a Consumer Affairs Supervisor. The complainant must present new information or explain any factual errors made in Commission staff's decision. If the complainant is unsatisfied with the resolution of the complaint by the Consumer Affairs Supervisor, the complainant may file a formal complaint with the Commission. A formal complaint is subject to the Commission's Rules of Practice and Procedures. See Title 20, Division 1, Chapter 1 of the California Code of Regulations, accessible at the Commission's Internet site: http://www.cpuc.ca.gov/PUBLISHED/RULES_PRAC_PROC/590.htm.

Formal Complaint: The complaint shall be in writing, and should contain: (1) the complainants name, address, telephone number and e-mail address (if the complainant has one); (2) the names of the allegedly unauthorized carrier (any telecommunications carrier that submits a change on behalf of the subscriber's selection of a provider of telecommunications services without the subscriber's permission), the submitting carrier (any telecommunications carrier that requests on the behalf of a subscriber that the subscriber's telecommunications carrier be changed, and seeks to provide retail services to the end-user subscriber), the authorizing carrier (any telecommunications carrier that submits a change on behalf of the subscriber in the subscriber's selection of a provider of telecommunications service with the subscriber's authorization), and the executing carrier (any telephone carrier that effects a request that a subscriber's telecommunications carrier be changed); (3) the date of the allegedly unauthorized change (if known); (4) a complete statement of the facts (including any documentation) tending to show that such carrier engaged in an unauthorized change of subscriber's preferred carrier; (5) a statement of whether the complainant has paid any disputed charges to the allegedly unauthorized carrier; and (6) the specific relief sought.

FCC-State Coordination:

Reporting: The Commission staff will enter into a complaint database each slamming complaint that is investigated. In accordance with ¶ 34 of the May Order, in order to facilitate joint enforcement activities, the Commission agrees to regularly file information with the FCC that details slamming activity in California, including, but not limited to, the updated information in this database.

Coordination: The primary contact for the FCC or coordination of FCC complaint referrals and state reporting is Linda Wood, the director of the Consumer Affairs Branch: tel. (415) 703-1819; facsimile: (415) 703-1910, e-mail: LJW@cpuc.ca.gov. E-mail complaint referrals should be directed to Ms. Wood's e-mail address, while complaints delivered via U.S. mail should be directed to the mailing address listed above.

The CPUC looks forward to working with the FCC to eradicate slamming altogether.

Very truly yours,



Loretta M. Lynch
President

cc: FCC Consumer Information Bureau Chief
Linda Woods, Director, CPUC Consumer Affairs Branch